

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CR- 21-138-RAW</b>
	)	
<b>DEVIN WARREN SIZEMORE,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**ORDER**

Before the court is the United States’ Unopposed Motion to Continue Trial and Trial-Tethered Deadlines [Doc. No. 67] and Defendant Devin Warren Sizemore’s Motion for Continuance [Docket No. 68]. There is no objection to the motion. The trial is currently scheduled on the April 5, 2022 Trial Docket and the parties request that the court extend the current deadlines for one hundred eighty (180) days to the October 4, 2022 Trial Docket in order to allow defendant and counsel the necessary time to, conduct an examination of defendant, review the discovery, obtain additional discovery, investigate the offenses, evaluate potential pretrial motions, and effectively prepare for trial.

The motions demonstrate that counsel, with due diligence, would not be prepared for trial under the current schedule. The court recognizes that the *McGirt* ruling, which has resulted in voluminous caseloads and conflicts for counsel and courts, along with continuing restrictions on travel and meetings due to the COVID-19 pandemic safety protocols has caused delays in reviewing discovery with defendants,

interviewing witnesses and investigating offenses.

The court finds that due to the evidentiary and logistical issues in the case, counsels' legitimate need to prepare for trial, and counsels' residence outside the State of Oklahoma, the ends of justice require that counsel be provided with more time to prepare for a trial. The court accepts the representation of defense counsel that the defendant agrees that his best interest is served by the request and that defendant waives his speedy trial rights as evidenced by his Speedy Trial Waiver [Docket No. 69].

The court finds that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). The court, therefore, GRANTS the motions. [Docket Nos. 67 and 68] . The period of delay resulting from this continuance is excludable time as provided in 18 U.S.C. § 3161(h)(7)(A).

Upon a review of the record and for good cause shown, the motions are GRANTED. The pretrial motion deadline is hereby stricken and reset for August 24, 2022. The jury trial set for April 5, 2022 is stricken and the case is reset to the October 4, 2022 Trial Docket. The pretrial conference will be set by the court at a later date.

Dated this 4<sup>th</sup> day of March, 2022.

A handwritten signature in cursive script, reading "Ronald A. White".

---

HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA